



8/31/05

## FINAL PASSAGE

**SB 616 (Cassis)**

**SB 617 (Toy)**

**HB 4402 (Hansen)**

**HB 4928-91 (GOP)**

### SEX OFFENDER/SCHOOL SAFETY PACKAGE

SB 616 would include a felony violation of SB 617 in the sentencing guidelines.

- Committee 1 (S-2) was adopted.
- SB 616 was moved to 3<sup>rd</sup> Reading.
- SB 616 passed [RC 360: 36 yes, 0 no].

SB 617 would prohibit a registered sex offender from living, working, or loitering within 1,000 feet of school property, subject to certain exceptions; and prescribe criminal penalties for violations. A first violation would be a misdemeanor punishable by imprisonment for up to one year and/or a maximum fine of \$1,000. A second or subsequent violation would be a felony punishable by imprisonment for up to two years and/or a maximum fine of \$2,000.

- Committee 1 (S-4) was adopted.
- Toy 1A (2 amends) was adopted.
- Toy 1B (1 amend) was adopted.
- SB 617 was moved to 3<sup>rd</sup> Reading.
- SB 617 passed [RC 361: 36 yes, 0 no].

HB 4402, HBs 4928-91 would ensure that all school employees who have committed crimes against children would be prohibited from working in schools. Further, the bills require criminal background checks for all school employees, including contractual employees; set penalties for certain crimes; and require school districts to escrow an employee's pay if the employee is charged with such a crime.

HB 4402 would require a background check on special education personnel employed by public and nonpublic schools providing services directly to children.

- Committee 1 (S-1) was adopted.
- HB 4402 was moved to 3<sup>rd</sup> Reading.

- HB 4402 was passed with IE [RC 362: 36 yes, 0 no].

HB 4928 would revise the notice procedures for teachers and other state board approved school personnel being convicted of certain offenses, and to provide for escrow of their salaries during the trial proceedings and forfeiture of their earnings upon conviction. Under the bill, a school district that continued to employ a person who entered a plea of guilt or no contest, or who was found guilty by a judge or jury of a crime listed in subsection (2) would be prohibited from paying the person wages. Instead, the district would be required to hold the person's wages in escrow until the superintendent of public instruction made a final determination of whether or not to suspend or revoke the person's teaching certificate or state board approval.

- Committee 1 (S-2) was adopted.
- Leland 1A (2 amends) was adopted.
- Schauer 1B (1 amend) was withdrawn.
- Schauer 1C (2 amends) was
- HB 4928 was moved to 3<sup>rd</sup> Reading.
- HB 4928 was passed with IE [RC 368: 36 yes, 0 no].

HB 4930 would require a person who was employed in any capacity by a school district, intermediate school district, public school academy, or nonpublic school, or who applied for a position or who regularly worked under a contract in a school district, to report to the Department of Education and the school district in the event of being charged with a (sex) crime. A person who violated this section of the law would be guilty of a crime, as follows: a) if the person violated either of the requirements listed above, and the violation was a listed offense, then the person would be guilty of a felony punishable by imprisonment for not more than two years, or a fine of not more than \$2,000, or both; b) if the person violated either of the requirements listed above, and the violation was a crime other than a listed offense, then the person would be guilty of a misdemeanor punishable by imprisonment for not more than one year, or a fine of not more than \$1,000, or both.

- Committee 1 (S-1) was adopted.
- HB 4930 was moved to 3<sup>rd</sup> Reading.
- HB 4930 was passed with IE [RC 363: 36 yes, 0 no].

HB 4932 would prohibit convicted sex offenders from residing, working, or loitering within a student safety zone. Under the bill, a "student safety zone" would be defined to mean the area that lies 1,000 feet or less from school property. The bill specifies that a person who violated this section of the law would be guilty of a crime as follows: a) for the first violation, the individual would be guilty of a misdemeanor punishable by imprisonment for not more than one year, or a fine of not more than \$1,000, or both; b) for the second or subsequent violation, the individual would be guilty of a felony punishable by imprisonment for not more than two years, or a fine of not more than \$2,000, or both.

- Committee 1 (S-1) was adopted.
- HB 4932 was moved to 3<sup>rd</sup> Reading.
- HB 4932 was passed with IE [RC 364: 36 yes, 0 no].

HB 4934 would revise the penalties for sex offenders who failed to register with the state.

- Committee 1 (S-1) was adopted.
- HB 4934 was moved to 3<sup>rd</sup> Reading.
- HB 4934 was passed with IE [RC 357: 36 yes, 0 no].

HB 4936 would require background checks on those licensed to operate a child care or day care center and on employees and contract workers.

- Committee 1 (S-1) was adopted.
- Hardiman 1A (2 amends) was adopted.
- HB 4936 was moved to 3<sup>rd</sup> Reading.
- HB 4936 was passed with IE [RC 366: 36 yes, 0 no].

HB 4937 would allow, in a criminal case in which the defendant was accused of committing a listed offense (crimes which require registration as a sex offender), evidence that the defendant had previously committed another listed offense against a minor to be admissible and to be considered for its bearing on any matter to which it was relevant.

- Committee 1 (S-1) was adopted.
- HB 4937 was moved to 3<sup>rd</sup> Reading.
- HB 4937 was passed with IE [RC 358: 36 yes, 0 no].

HB 4957 would specify that the crime of a registered sex offender accepting employment or a volunteer position with a child services organization would be a felony with a two-year maximum term of imprisonment. Accepting employment or a volunteer position with a child services organization by concealing the status as a registered sex offender would be a felony with a maximum term of imprisonment of four years.

- Committee 1 (S-1) was adopted.
- HB 4957 was moved to 3<sup>rd</sup> Reading.
- HB 4957 was passed with IE [RC 359: 36 yes, 0 no].

HB 4958 would amend the sentencing guidelines to specify that failure to report criminal charges to an employer would be a felony with a maximum term of imprisonment of two years.

- Committee 1 (S-1) was defeated.
- Hardiman 2 (S-2) was adopted.
- HB 4958 was moved to 3<sup>rd</sup> Reading.
- HB 4958 was passed with IE [RC 367: 36 yes, 0 no].

HB 4991 will allow a school district to fire a teacher even if they are tenured if they have been convicted under the Sex Offenders Registration Act.

- Committee 1 (S-1) was adopted.
- HB 4991 was moved to 3<sup>rd</sup> Reading.
- HB 4991 was passed with IE [RC 365: 36 yes, 0 no].

## THIRD READING

### **SB 347 (Toy)**

SB 347 would provide that, if the Department of Treasury selected a tax return for manual review, the Department would have to send notification to the taxpayer within 10 days of that selection. Apparently, legislators regularly hear from taxpayers asking for assistance in determining the status of their refund checks, after the individuals have been unable to get the answers they need from the Department's automated telephone

system, and cannot get an employee to speak with them. Under the bill, any taxpayer whose return was selected for manual review by the Department would receive notice of the review with an approximate time frame for the review and have the opportunity to speak with someone familiar with the review. The change would make the Department more taxpayer-friendly and would improve the service it provides to older residents who are uncomfortable using automated telephone systems.

- Toy 1 (S-1) was adopted.
- SB 347 was moved to 3<sup>rd</sup> Reading.

#### **SB 501 (Birkholz)**

SB 501 would prevent part of the General Property Tax law from being repealed on December 31, 2006. If it is repealed, purchasers will no longer have certified assurances that the property they are buying is not subject to tax bills, tax liens, or certain other encumbrances. Section 135 also provides protection for neighboring property owners because it requires county treasurers to make sure that the description of the property in the deed matches the description on the tax roll.

- SB 501 was moved to 3<sup>rd</sup> Reading. No amendments.

#### **SBs 569-70 (Allen)**

##### **SB 658 (Allen)**

SBs 569-70 would allow the Bay View Association of the United Methodist Church, located in the incorporated Township of Bear Creek on Little Traverse Bay, to continue to qualify for historic preservation credits. The Bay View Association is a National Historic Landmark community established in 1875, and consists of more than 30 public buildings, 440 cottages, and two inns situated on 337 acres. The township has grown significantly in recent years and the population now exceeds 5,000. Thus, Association homeowners are ineligible for the historic preservation tax credits. It has been suggested that the eligibility criteria be expanded to allow property owners within the Bay View Association to use the historic preservation credits.

SB 569:

- Committee (S-1) was adopted.
- SB 569 was moved to 3<sup>rd</sup> Reading.

SB 570:

- Committee (S-1) was adopted.
- SB 570 was moved to 3<sup>rd</sup> Reading.

SB 658 would allow the Bay View association own or hold up to 1,000 acres of land, rather than the 350 acres currently allowed. The township surrounding the Bay View Association has grown significantly over the years, and some people are worried that increasing development could spill into the colony's main campus area. At 337 acres, the colony is approaching its maximum allowable size. Increasing the acreage limit would give the Association the flexibility it needs to create a buffer zone against growth by obtaining more of the surrounding land. This would help to preserve the colony's historical character and ensure the continuation of its mission through its programs and activities.

- SB 658 was moved to 3<sup>rd</sup> Reading. No amendments.

#### **HB 4071 (Hildenbrand)**

##### **HB 4145 (Rocca)**

HB 4071 and HB 4145 would allow hunters and fishers to donate \$1 to the Sportsmen Against Hunger Program when they apply for a license, beginning January 1, 2006. The donation would be in addition to the license fee. Beginning January 1, 2007, the Department of Natural Resources would use the fees to implement a program to distribute wild game to people in need; however, the department could contract with a nonprofit group to undertake the food distribution program.

Support: Michigan Sportsmen Against Hunger, National Wildlife Federation, Food Bank Council of Michigan, Michigan Bow Hunters Association, Safari Club International.

[According to committee testimony offered by the Michigan Wildlife Federation, other states operate similar programs: hunters in the State of Wisconsin contribute 500,000 pounds of meat annually, while those in Virginia contribute 300,000 pounds. Maryland began its program, called Farmers and Hunters Feeding the Hungry, in 1997. There, voluntary contributions totaled \$40,000 a year. Impressed by the program's success, the Maryland General Assembly enacted a law in 2002 to require that \$1 from the sale of each hunting license be used to support programs that process deer for needy people. According to the Maryland Department of Natural Resources, more than \$100,000 is raised annually.]

**HB 4071:**

- Committee (3 amends) was adopted.
- Birkholz 2 (S-1) was adopted.
- HB 4071 was moved to 3<sup>rd</sup> Reading.

**HB 4145:**

- Committee (2 amends) was adopted.
- Birkholz 2 (S-1) was adopted.
- HB 4145 was moved to 3<sup>rd</sup> Reading.

**HB 4679 (Ward)**

HB 4679 would allow a municipality with an existing downtown district to enter into an inter-local agreement with a qualified adjoining township under which the municipality would operate its district in a downtown district within the township. (Under the act, a municipality can be a city, village, or township.) A qualified township would be defined as a township that 1) was not eligible to create an authority prior to January 3, 2005; 2) adjoins a municipality with an existing authority; and 3) is a member of the same joint planning commission as the municipality.

- Committee (S-1) was adopted.
- HB 4679 was moved to 3<sup>rd</sup> Reading.